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ABSTRACT

This paper focuses on the first-year implementation of the choice provisions of the No Child Left Behind (NCLB) Act in Buffalo, New York, DeKalb County, Georgia, and Richmond, Virginia. After an analysis of the assumptions underlying school choice and the relevant research literature, the study addressed four research questions motivated by NCLB's choice policies, including: (1) how schools were identified for improvement; (2) how districts designed their choice policies; (3) the kinds of implementation challenges districts faced in complying with federal requirements; and (4) whether districts are giving students in improvement schools opportunities to transfer to higher-performing schools. Data from a variety of sources, including school district documents, were used to investigate these questions. Findings suggest that the quality of school choice options will depend on the policies enacted by district policymakers. The implications of these findings are discussed in relation to the design of choice policies at the school district level, and some suggestions are provided for further research. (Contains 2 tables, 5 figures, and 25 references.) (SLD)

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FINDINGS FROM THE FIRST PHASE OF SCHOOL CHOICE IMPLEMENTATION IN THREE DISTRICTS: BUFFALO, NEW YORK, RICHMOND, VIRGINIA, DEKALB COUNTY, GEORGIA

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Introduction: School Choice and NCLB[1]

School choice, which has been a controversial part of the educational policy debate for more than a decade, was given a significant boost under the No Child Left Behind Act of 2001 (NCLB). The school choice provisions under NCLB are intended to advance two goals—first, to improve the academic performance of underserved and low-achieving children, and, second, to expand educational options for low-income families. Under NCLB, public school choice must be offered to all students in a school that fails to make Adequate Yearly Progress (AYP) for two consecutive years (§200.32). The idea is that children in struggling schools should have access to higher-performing schools with better teachers and more academically well-prepared classmates. Given the strong link between poverty and achievement, choice also offers the potential for students in failing schools to leave impoverished schools for schools that have more middle-income students. Nonetheless, it is unclear how these NCLB choice provisions might work to improve access to quality schools for low-income and minority students, since many of the choice mandates will fall disproportionately on districts with large numbers of poorly performing schools.

Outline of Paper

This paper focuses on the first-year implementation of NCLB's choice provisions in Buffalo, New York, DeKalb County, Georgia, and Richmond, Virginia. We begin by analyzing the assumptions underlying school choice and the relevant research literature. Next, we address four research questions motivated by NCLB's choice policies, including (1) how schools were identified for improvement, (2) how districts designed their choice policies, (3) what kinds of implementation challenges districts faced in complying with the federal requirements, and (4)

[1]Special thanks to Mei Mei Peng, Khadijah Salaam, and Kate Sobel for providing excellent research assistance.

whether districts are giving students in improvement schools opportunities to transfer to higher-performing schools. Our results suggest that the quality of the school choice options will depend on the policies enacted by district policymakers. We discuss the implications of these findings for the design of choice policies at the district level. Finally, we conclude with some suggestions for future research.

Assumptions and Research on School Choice

Choice policies operate on several key assumptions. First, a key assumption is that choice programs improve the achievement of low-income and minority students by expanding access to high-performing schools. In other words, access to high-quality schools is a critical first step in improving educational opportunities and outcomes for poor students. A second assumption is that by giving parents a more central role in educational decision-making, schools will be more responsive to their concerns. Proponents argue that school choice will upgrade the educational opportunities of children and that schools will respond to parental preferences by developing specialized curriculum and programs that appeal to students' interests and needs. Third, choice supporters assume that when individual schools rather than a centralized authority make decisions about curriculum and pedagogy, they will be more responsive to parent and student demands. In other words, choice policies substitute democratic control of education with a fragmented and decentralized system that responds directly to the demands of parents and students (Crenson & Ginsberg, 2002; Witte & Thorn, 1996). Finally, school choice is based on the market notion that schools will become more efficient and effective when there is competition (Chubb & Moe, 1990).

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Research on school choice has attracted the attention of scholars from numerous disciplinary backgrounds, most notably from the field of economics. Milton Friedman (1955), who initiated the debate on school choice, asserted that "here, as in other fields, competitive enterprise is likely to be far more efficient in meeting consumer demand that either nationalized enterprises [public schools] or enterprises run to serve other purposes" (p. 91). More recently, Hoxby (1998) explored the effects of market pressures on student achievement and costs in metropolitan areas that have numerous suburban districts and private schools, concluding that "public schools can and do react to competition by improving the schooling they offer and by reducing costs" (p. 151). In particular, urban districts in Arizona responded to market pressures by increasing in-service training and professional development and by involving teachers in school governance—policies that benefit school performance in the long-run (Milliman, Hess, & Gresham, 1999). However, research on voucher programs in Milwaukee suggests that competition had no systemic effect on improving teaching and learning (Hess, 1999).

The most controversial debates about choice, however, have focused on the effectiveness of voucher programs in selected urban districts. For example, evaluations of the Milwaukee voucher experiments generated fierce debate about the effects of vouchers on student achievement (Greene, Peterson, & Du, 1999; Rouse, 1998; Witte & Thorn, 1996). More recent experimental evidence suggests that voucher programs largely benefit the achievement of Black students (Howell & Peterson, 2002). Evidence on other forms of choice, such as charter schools, is mixed (Miron & Nelson, 2002), prompting the research community to encourage more research on the achievement effects associated with choice (Gill, Timpane, Ross, & Brewer, 2001; Goldhaber & Eide, 2002; Peterson, 1998; Teske & Schneider, 2001; Witte, 2000). Other

researchers have encouraged studies that focus less on achievement effects and more on student access to various choice programs (Wells & Scott, 2001).

On questions about the equity of choice programs, some studies suggest that increasing ethnic and socioeconomic stratification is associated with school choice (Fiske & Ladd, 2000; Hess, 2002; Witte, 2000). Henig (1996), for example, found that parental choices in a magnet school program intensified segregation, since White parents generally sought transfers to schools with few minority students whereas minority parents were more likely to request transfer to schools with higher proportions of minorities. Indeed, some scholars have voiced concerns that choice will lead to growing segregation based on race and class and fail to address the underlying causes of unequal schooling (Fuller & Elmore, 1996).

Similarities and Differences between Choice Plans in Three Districts

While there are many forms of school choice, including charter schools, magnet schools, various forms of voucher plans that involve public and private schools, interdistrict transfer programs, NCLB limits choice to "public school choice." According to the statue, students in schools identified for improvement must be given "the option to transfer to another public school served by the local educational agency (LEA)" (§1116.(b)(1)(E)(i). The final regulations included the possibility of transfers between districts by requiring, to the extent practical, that LEAs establish cooperative agreements with other districts in the area if there were no eligible schools for students to transfer to within the LEA. To begin to understand how the NCLB choice mandates might affect the educational opportunities of poor and minority students, this study examines four questions. First, how were schools identified for improvement? Second, how do districts design choice policies under NCLB? Third, what kinds of implementation challenges do districts face in complying with NCLB's choice requirements? Fourth, how do schools that

must offer choice under NCLB compare to other schools in the district with respect to poverty and achievement?

These questions are central to the current debate about NCLB and choice. Critics of the plan maintain that the sanctioning provisions of NCLB will be particularly harsh for schools in high minority districts, and that these districts will have difficulty complying with the choice provisions. They either lack the capacity to transfer large numbers of students or risk overwhelming struggling schools if large numbers of low performing students are transferred. Choice would further stratify already low performing schools, leaving some public schools with harder to teach students and families who are less involved in the education of their child. Proponents argue that students shouldn't have to stay in low performing schools and that choice will provide an incentive for poorly performing schools to improve.

Research Question #1: How did schools get identified for improvement?

To address these questions, we examined the implementation of public school choice during the first year of NCLB in three districts—Buffalo, New York, DeKalb County, Georgia and Richmond, Virginia. We purposefully chose these three districts for two major reasons. First, the districts are typical of many high-poverty urban districts, since over 50% of students

Table 1: Descriptive Characteristics of Students in Buffalo, NY, DeKalb County, GA, and Richmond, VA.

District	Enroll.	% Poverty	% Black	# Schools	# Schools in improvement	% of Total Schools
Buffalo	44,679	65%	57%	76	31	41%
DeKalb	47,467	56%	77%	123	25	20%
Richmond	26,818	66%	91%	52	16	31%

received free lunch in each of the three school systems (see Table 1). Each district also has large minority enrollments. Second, each district has a large number of schools identified for improvement. For example, 41% of all schools in Buffalo failed to meet New York's AYP

standard and were thus required to provide transfer options to other schools. In Georgia, DeKalb County had the second largest number of schools identified for improvement, and Richmond had the most schools in improvement in Virginia. Thus, NCLB's school choice provisions landed primarily on districts with large numbers of low-income and minority schools that performed poorly on state assessments.

Table 2 summarizes the state achievement measures used to define AYP and to identify improvement schools that were required to offer school choice during the 2002-2003 school year. We focus on state assessments in grades 3 to 8 since improvement schools were mostly elementary and middle schools. New York administers the Regents examination in grades 4 and 8 and includes four performance levels, including basic (Level 1), basic proficiency (Level 2), proficiency (Level 3), and advanced (Level 4). Based on these performance standards, New York developed a school performance index (PI) that credits schools for moving students from Level 1 to Level 2, although Level 3 is defined as the proficient level of performance that all schools must meet within 12 years. Based on the PI, schools had to meet AYP targets which were based on the number of students at or above Level 2—the below proficient level of performance.

Georgia administers the criterion-referenced competency test (CRCT) in grades 3 to 8. However, to define AYP and to identify Title I schools in need of improvement, the state uses reading and math results from grades 4, 6, and 8. There are three performance standards on the CRCT—does not meet state standards, meets state standards, and exceeds state standards. Although proficiency is defined as the "meeting state standards" level of performance, Title I schools were identified for improvement if they failed to reduce by five-percentage points the number of students at the "does not meet state standard."

Finally, Virginia administers the Standards of Learning (SOL) assessments in grades 3, 5, 8 and end-of-course high school exams in selected subjects (e.g., Algebra I and II, Chemistry, World History). There are also three performance standards on the SOLs—fail/basic, pass/proficient, and pass/advanced. Under NCLB, all Virginia public schools are required to meet the pass/proficient threshold on the SOLs in English and math within 12 years. To earn full accreditation, Virginia also requires schools to have 70% of students reach the pass/proficiency level in four subjects (English, math, history/social science, and science). Title I schools that had pass/proficiency rates below 51% in English and math for two consecutive years were required to offer school choice during the 2002-2003 school year.

Table 2: State Assessments Used to Define "Proficiency" and AYP.

	New York	Georgia	Virginia
State Assessment	Regents Examination	Criterion-Referenced Competency Test	Standards of Learning
Subjects/Grades	Grade 4, 8: Reading, Math	Grade 1-8: Reading, Math	Grade 3, 5, 8: English, Math
Performance Levels (Proficient-in bold)	Level 1 (Basic) Level 2 (Below Basic) **Level 3 (Proficient)** Level 4 (Advanced)	Does Not Meet State Standards (Basic) **Meets State Standards (Proficient)** Exceeds State Standards (Advanced)	Fail (Basic) **Pass (Proficienct)** Pass (Advanced)
School Accountability	School Performance Index Percentage at L2 + twice the percentage at L3 and L4	School Grading System ("A" to "F")	School Accreditation 70% pass rate in English, Math, History/
AYP	School Performance Index increases annually and reaches 200 (100% at Level 3) within 12 years	5-percentage point reduction in students scoring at Level 1	Accredited with Warning generally below 51% pass rates in English and/or math for two consecutive years

Research Question #2: How do districts design choice policies under NCLB?

Two of the three districts—Richmond and DeKalb—used similar criteria to select receiving schools while Buffalo had no selection criteria. In Buffalo, students from schools identified as in need of improvement could transfer to any school that had not been identified.

The district excluded schools that had admission requirements. Since almost half of the schools in Buffalo had been identified by the state for improvement, once the magnet and special program schools were excluded, there were few schools for parents to choose from.

Richmond and DeKalb based their selection criteria on three very similar factors. First, the districts selected schools that were already doing well. In Richmond, a receiving school had to be fully accredited according to the State Board of Education mandates, and in DeKalb, receiving schools were those the district considered "successful schools." The rationale both districts offered for limiting transfers to schools doing well was that they did not want to overburden a struggling school. The second criteria was capacity—receiving schools had to have space available to accommodate additional students. Richmond went so far as to identify the number of seats available in each of the receiving schools. DeKalb determined the number of available seats for each school using a 23 to 1 pupil-teacher ratio. Schools with a projected enrollment below the target student population were designated receiving schools. Districts used this criterion even though it conflicted with the U. S. Department of Education (DOE) regulations that lack of capacity cannot be used to deny students the option to transfer. There are probably two reasons for this. First, capacity was allowed under the previous statute and regulations, and second, the final regulations were released in November 2002, well after districts had implemented the transfer option for the 2002-03 school year.

The location of the receiving school relative to the sending school was another criteria districts considered. The Richmond district is divided into three catchment zones and students could only transfer within zones. This meant that transfer options were unevenly distributed across the district since the three zones differed in the number of schools identified as in need of improvement and the number of receiving schools. Zone 3 had the most schools in need of

improvement (5) and only two receiving schools while zone 1 had the most receiving schools (4) and only one school in need of improvement. In DeKalb County, a geographically large district, district officials wanted to accommodate existing bus routes. Parents were offered three choices that were determined based on where the child lived and the location of the receiving school in relation to existing bus routes. The district was concerned about the cost of adding new bus routes and the fiscal constraints on the district related to the state budget shortfall. Finally, all three districts excluded schools that had admission requirements as receiving schools.

Research Question #3: What kinds of implementation challenges do districts face in complying with NCLB's choice requirements?

All three districts had challenges implementing choice in the first year because of the implementation timelines, conflicts with pre-existing choice programs, lack of capacity and a low response rate from parents.

Districts did not have lot of time to develop a transfer program under NCLB for the 2002-03 school year. The implementation timeline conflicted with the existing processes in place for testing students and releasing scores, leaving little time for districts to identify schools in need of improvement and notify parents before the start of the school year. For example, in Richmond test scores were not available until August. The final regulations, which were released late (November 2002) added to the challenge of implementing choice within a short timeframe. It was not entirely clear to districts that they would have to begin implementing choice in the 2002-03 school year or how the law would be interpreted by DOE. While the statute mandated that local educational agencies must intervene in schools identified as in need of improvement, the final regulations narrowly interpreted the statute and required schools to begin offering public school choice "before the year following the year in which the LEA administered the assessment

that resulted in the school's failure to make AYP for a second consecutive year (§200.32(a)(2)(a)(1)). This interpretation meant districts had to offer the transfer option at the beginning of the 2002-03 school year and also to students in schools that were identified for improvement after the start of the school year.

The implementation timeline for NCLB conflicted with districts' pre-existing choice plans and limited their flexibility to coordinate existing programs with the NCLB transfer option. Districts established application timelines for ongoing choice programs well before they had information on schools that might have to offer choice under NCLB. Under the choice plan in Richmond, for example, students could attend their neighborhood school or a designated open enrollment school within their attendance zone. Applications for the open enrollment schools were due in January, and decisions were made by March. According to district officials, most of the available seats were filled under this process, leaving few choices for eligible children under NCLB. Under NCLB, the district plans to eliminate the open enrollment option and give preference to students requesting transfers from schools identified for improvement. According to the Director of Pupil Personnel Services, the district cannot continue to offer their open enrollment program and still accommodate NCLB because of limited capacity and the timeframe of when the test score data becomes available.

Since districts operate at close to full capacity for efficiency reasons, they did not have extra space to accommodate large numbers of students requesting transfers. However, in the first year, the relatively low response rate to the choice option worked to their favor since it meant they could more easily accommodate most if not all of the families requesting transfers. District officials were not surprised by the low response rate since they had learned from their experience with ongoing choice programs that few parents took advantage of the choice options. District

officials attributed the low response rate to the NCLB choice option to parental preference for their home school and principal efforts to convince parents that they were working to improve the school. Nonetheless, questions were raised about whether districts were doing all they could to inform parents about their options to transfer. For example, in Buffalo, the Brighter Choice Public School Choice Project conducted a survey with a grant from the U.S. Department of Education. According to this survey, 75 percent of the parents surveyed did not realize that their child attended a school designated in need of improvement (Brighter Choice Public School Choice Project, 2003).[2] Brighter Choice found that a similar percentage of parents in Albany were unaware of the choice option. Based on the results of this survey, Brighter Choice claimed that there was a lack of awareness among parents about their option to transfer (Simon, 2003). This put school officials in the position of defending their notification process.

Research Question #4: How do schools that must offer choice under NCLB compare to other schools in the district with respect to poverty and achievement?

The purpose of the next set of comparisons is to describe how mean poverty rates and mean achievement levels vary across schools defined by their choice status. We define choice status in one of three ways: (1) improvement schools that had to offer choice options, (2) receiving schools that were chosen to accept transfers, and (3) eligible receiving schools that were not selected to accept transfers. To determine the extent of school options provided to families, we first compared the number of receiving schools as a percentage of all eligible receiving schools. As mentioned earlier, our analysis includes only schools with students enrolled in grades 3 to 8, since choice policies were concentrated at the elementary and middle school levels.

[2] The survey results were not posted on Brighter Choice's web site.

Figure 1 shows the number of schools defined by their choice status. In Buffalo, 10 out of 45 (22%) eligible schools received student transfers; in DeKalb County, 14 out of 98 (14%) eligible schools received student transfers; and, in Richmond, 10 out of 36 (28%) eligible schools received transfers from improvement schools. Given the selection criteria and the implementation challenges that were discussed earlier, it is not surprising to find that only a small number of eligible schools were selected as transfer options. However, if a major goal of NCLB's choice policy is to provide parents an opportunity to send their children to higher-achieving schools, it is important to ask whether students transferred to higher-performing schools with larger numbers of middle-class and academically capable students. The next set of descriptive statistics addresses this question.

Figure 1: Number of Schools by Choice Status in Three Districts (Buffalo, NY, Dekalb County, GA, Richmond, VA)

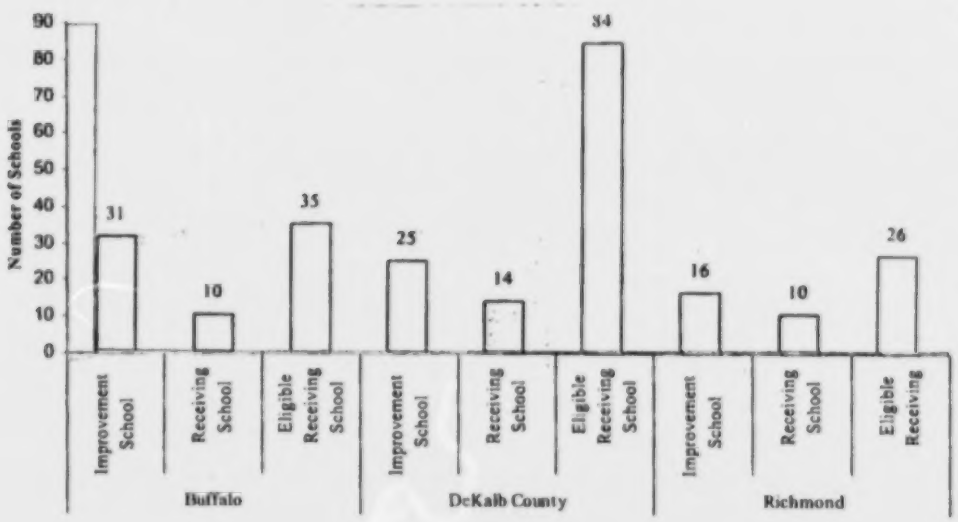

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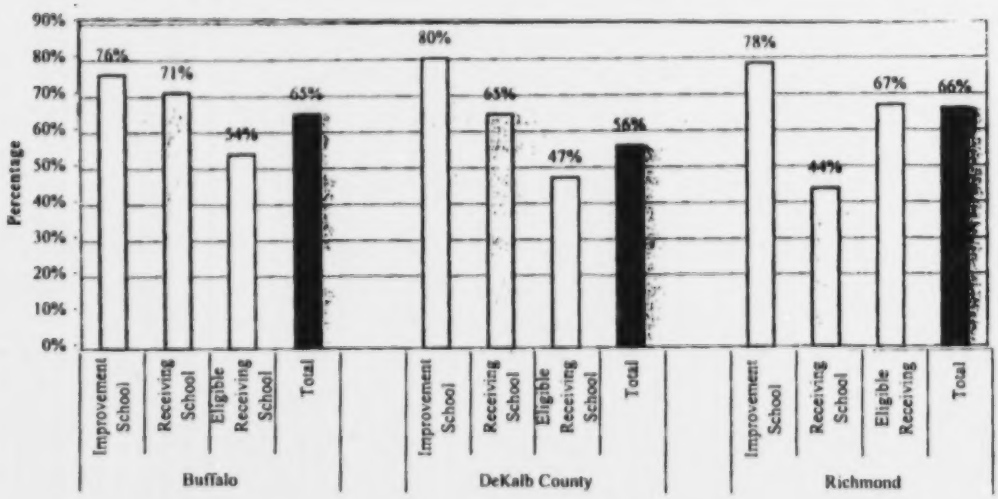
Figure 2 displays descriptive statistics on the percentage of students receiving free lunch broken down by choice status in Buffalo, NY, DeKalb County, GA, and Richmond, VA. The first three bars disaggregate free lunch data by choice status and the fourth bar shows free lunch data for elementary and middle schools in each district. Each bar displays the percentage of students receiving free lunch. As shown by the height of the fourth bar, all three districts have poverty rates above 50%, underscoring the large numbers of low-income students served by each school district. There are, however, several differences in mean poverty levels among the three different types of schools. Beginning with Buffalo, we see virtually no difference in the mean poverty rates in improvement schools (76%) and receiving schools (71%). Note, however, that poverty rate is about 20-percentage points lower in all eligible receiving schools (54%). Buffalo students who were leaving an improvement school were transferring to schools with high concentrated poverty. In DeKalb County, there were differences in the mean poverty level

Figure 2: Free Lunch (%) by School Choice Status in Three Districts (Buffalo, NY, Dekalb County, GA, Richmond, VA)



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in improvement schools, receiving schools, and eligible schools. For example, 80% of students in improvement schools received free lunch as compared to the 65% in receiving schools. However, only 47% of students in eligible receiving schools received free lunch. Although students in improvement schools had an opportunity to transfer to lower-poverty schools, the receiving schools had higher poverty rates than eligible schools that were not selected to receive transfers. The last set of bar graphs in Figure 2 display poverty rates by school choice status in Richmond. Poverty levels are much lower in the receiving schools (44%) than either the improvement schools (78%) or eligible receiving schools (67%). In contrast to Buffalo and DeKalb, Richmond students in low-performing schools had an opportunity to transfer to receiving schools that served more middle-income students.

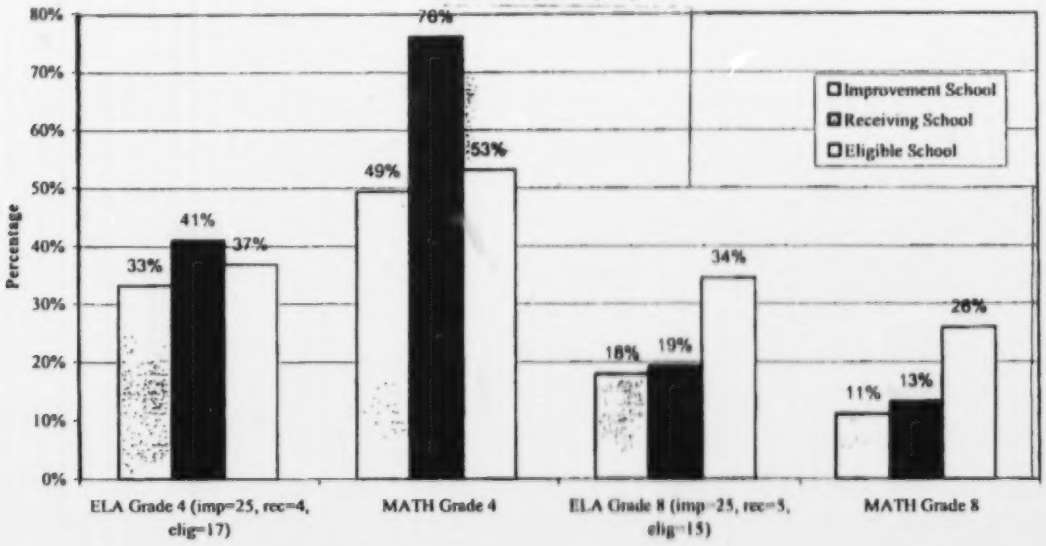
The next set of bar graphs (figures 3-5) plots the percentage of students at or above proficiency for each of the state assessments, including grades 4 and 6 on the New York Regents, grades 4, 6, and 8 on the Georgia CRCT, and grades 3, 5, and 8 on the Virginia SOL. As a measure of school performance, we describe the percentage of students scoring at the state-defined proficient level on state assessments in the elementary and middle grades.

Buffalo City Schools

Figure 3 displays the percentage of students who performed at or above proficient (Level 3 and 4) on the English language arts (ELA) and math New York Regents examination for grades 4 and 8. The number of schools by choice status is also shown next to the ELA grade 4 and grade 8 bars. The first three bars on the left reveal very small differences in the percentage of students meeting proficiency standards in grade 4 ELA among the three categories of schools. On the fourth-grade math assessment, 76% of students in receiving schools performed at or above proficient whereas only about 50% of students did so in improvement or eligible receiving

schools. The results for eighth-grade, however, are different than those from fourth-grade. As shown in the third and fourth set of bars, the percentage of students at or above proficient in reading and math in grade 8 is similar in both improvement schools and receiving schools. Furthermore, eligible receiving schools had over 1.5 times more students at or above proficient on the grade 8 ELA and math assessment. In Buffalo's elementary schools, it appears that school choice facilitated increased access to elementary schools with higher-math achievement. In the other subjects and grades, there is very little difference in mean proficiency levels between improvement and receiving schools.

Figure 3: Percentage of Students at "Level 3 or 4" on Regents Examination in ELA and Math, Grades 4 & 8 (Buffalo, NY)

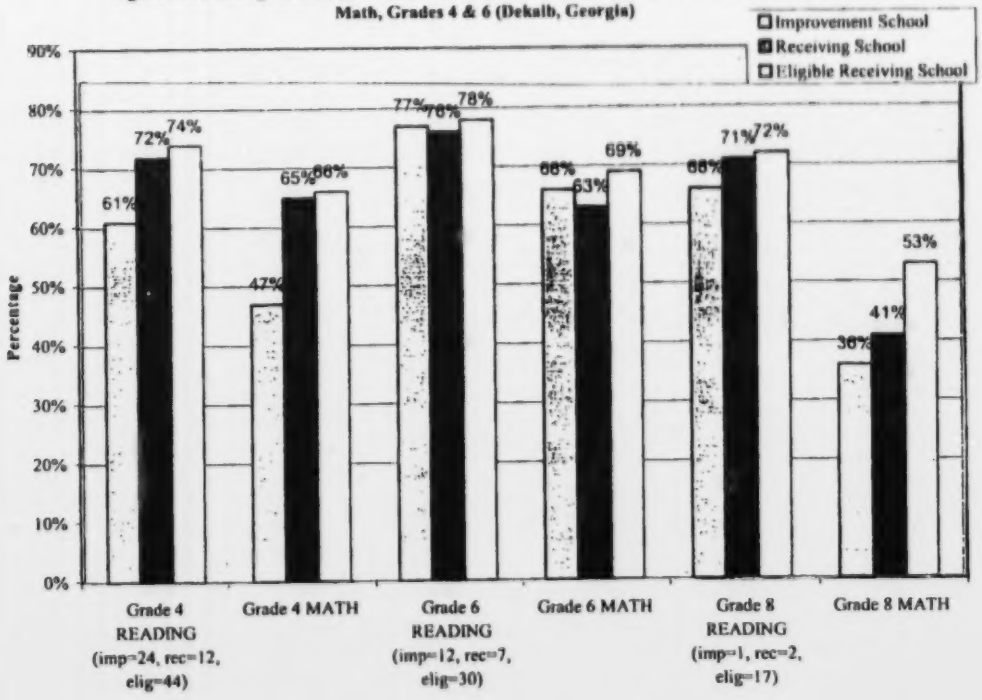


DeKalb County Schools

Figure 4 shows the percentage of students who met or exceeded the Georgia state standard for proficiency on the reading and math CRCT for grades 4, 6, and 8. The results are broken down by school choice status. In grade 4 reading and math, improvement schools had lower proficient rates than either receiving schools or receiving eligible schools. In grade 6,

there are very small differences in achievement levels, and all three types of schools—improvement, receiving, and eligible receiving—had over 70% of students meeting or exceeding state standards in reading and over 60% in math. In fact, the percentage of students meeting state standards in the grade 6 reading and math CRCT is slightly higher in improvement schools than in receiving schools. Finally, in grade 8 reading, there are small differences in reading based on school choice status. In grade 8 math, eligible receiving schools had higher proficiency rates than both receiving schools and improvement schools. Figure 4 suggests that students in lower-performing schools were given access to higher-performing schools in grade 4 reading and math. However, there were very small differences in achievement between improvement and receiving schools in grades 6 and 8.

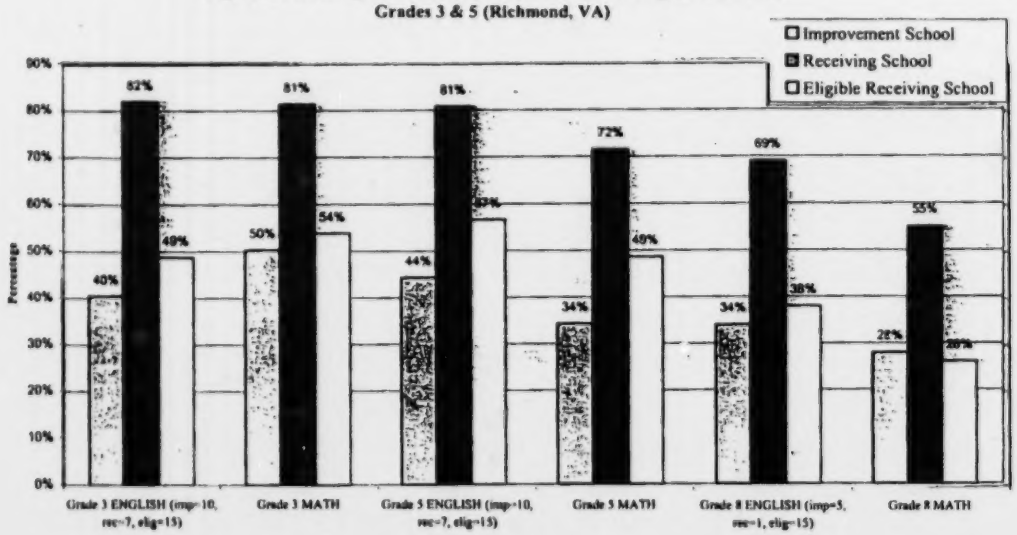
Figure 4: Percentage of Students Who "Meet/Exceed" State Standards on CRCTs in Reading & Math, Grades 4 & 6 (Dekalb, Georgia)



Richmond City Schools

Figure 5 displays the percentage of students meeting the pass/proficient cutoff on the English and math SOLs for grades 3, 5, and 8. Across all grades and subjects, receiving schools had consistently higher proficiency rates than either improvement or eligible receiving schools. In particular, receiving schools had average pass rates that exceeded the state's 70% threshold for earning state accreditation in grades 3 and 5. In grade 8, receiving schools still had substantially higher pass rates than improvement schools, although the average pass rate in the middle grades was somewhat lower than in the elementary grades. As mentioned earlier, Richmond selected as receiving schools only those that were fully accredited by the state. Figure 5 suggests that NCLB's choice policies provided Richmond students in improvement schools access to substantially higher-performing receiving schools. By contrast, the magnitude of the achievement difference between improvement schools and receiving schools was much smaller in Buffalo and DeKalb County.

Figure 5: Percentage of Students at "Pass" on SOLs in English and Math, Grades 3 & 5 (Richmond, VA)



Discussion and Implications

"Expanded options for parents" is one of the four basic principles underlying the No Child Left Behind Act. According to the Bush administration, NCLB enables "parents with a child enrolled in a school identified as in need of improvement . . . to transfer their child to a better performing public school or public charter school" (U.S. Department of Education, 2002). Therefore, a primary goal of NCLB's choice provisions is to expand educational options for poor families, especially those in inner-city districts. NCLB depends heavily on districts to design and implement choice programs that give disadvantaged students greater access to better-performing schools. Our descriptive study of choice implementation highlights the variation in districts' interpretation of federal choice policy, especially the definition of a "better performing public school." In short, there are dramatic differences in the way districts paired improvement and receiving schools.

We compared the demographic and achievement characteristics of schools defined by choice status—that is, improvement schools, receiving schools, and eligible receiving schools. It is important to look at the poverty levels of schools because low-income families are more likely to choose schools based on their social and economic status rather than their specific educational offerings (Wells & Crain, 1992). In many instances, poor families believe that if their children attend schools serving higher-status children and wealthier families, they will do better academically (Willms & Echols, 1993). Researchers have also underscored the importance of giving poor children access to suburban and middle-class schools that offer opportunities to learn alongside academically prepared classmates and well-prepared teachers (Hochschild, 1984; Rosenbaum, Kulieke, & Rubinowitz, 1987; Orfield & Eaton, 1996). Moreover, the average

achievement scores of middle-class schools are widely interpreted as an indicator of school quality and student achievement.

There were several differences in the socioeconomic status and achievement level of schools receiving students who sought to transfer out of improvement schools. In Buffalo, for example, poverty rates between improvement and receiving schools were nearly identical—that is, around 75% of students received free lunch. DeKalb students in improvement schools were able to transfer to receiving schools that had lower poverty rates, although the average poverty rate in receiving schools was higher than the district average. Additionally, in both districts, there were few opportunities for students to transfer to higher-achieving schools. In contrast to Buffalo and DeKalb, Richmond students in improvement schools were given access to a select group of higher-achieving schools with lower poverty rates. This was facilitated by the district decision to include only fully accredited schools as receiving schools, thus assuring receiving schools were performing well on the state assessment. However, other decisions limited the number of spaces available. For example, students could only transfer within attendance zones and magnet schools were excluded. Moreover, there were few spaces available in the higher performing schools. If large numbers of parents exercise their choice option, the district will not have the capacity to transfer students only to higher performing schools and either risks overwhelming these higher performing schools or may need to change the criteria for selecting receiving schools.

Districts were also confronted with the task of pairing improvement schools with "better performing" public schools, an ambiguous and subjective standard for identifying receiving schools. In fact, policymakers in our three districts appeared to interpret the meaning of "better performing" in three ways. First, receiving schools had the same percentage of students at the

proficiency standard or a fraction slightly higher than improvement schools. This was the case in grade 8 in Buffalo and grades 6 and 8 in DeKalb County. A second higher standard was to ensure that receiving schools had proficiency rates that were 10 to 20-percentage points higher in receiving schools than in improvement schools, which applied to grade 4 math and reading in Buffalo and DeKalb County. The third standard, and arguably the ideal envisioned by federal policy, was to select receiving schools that had significantly higher proficiency rates—around 30 to 40-percentage points higher—than improvement schools. In Richmond, for instance, pass rates on the Virginia SOL assessment were over 70% in grade 3 and 5 in receiving schools but less than 50% in improvement schools. In sum, the findings distilled from Figures 3 to 5 clearly show that the definition of "better performing public schools" varied dramatically across the three districts.

These preliminary findings suggest both fruitful and perhaps less useful avenues for future research. For example, we place less emphasis on evaluation research that simply compares test score outcomes for students who do and do not transfer from an improvement school to a receiving school. Given the controversy surrounding the effect of vouchers and charter schools on student achievement, any evaluation of NCLB's choice policies is likely to generate fierce debate and disagreement. Part of the controversy will stem from a serious methodological limitation, since students who participate in NCLB's choice programs are not randomly selected from a list of eligible students. Instead, the law gives preference to the lowest-achieving students in Title I schools identified for improvement. As a result, comparing the achievement of transferring students with those remaining in improvement schools would be subject to serious selection biases. In other words, students who exercise choice are likely to

differ systematically from non-participants with respect to motivation, skills, and a variety of other salient factors that influence student achievement.

Instead of focusing on achievement effects, we recommend more descriptive analyses that address questions about access. Our initial findings raise serious questions about the extent of choice at the district level. If poor students are given limited options to transfer to schools that are still burdened by concentrated poverty and low achievement, the intended goal of federal choice policy will be undermined. Given the concentrated poverty in urban districts, NCLB's emphasis on intra-district choice may do little to expand educational options for poor families. The law does, however, authorize districts to form partnerships with neighborhood districts if there are severe capacity constraints (e.g., few eligible receiving schools, overcrowding). If inter-district choice arrangements increase, metropolitan choice programs that cross city-suburban boundaries may give inner-city families increased educational options as envisioned by federal policy. Research, therefore, needs to focus on the design and implementation of district choice policies. By focusing research concerns on access, we suggest several questions that could be explored in greater depth. For example, what are the educational options available to poor children under NCLB? How do districts select receiving schools and what are the criteria used to select "better-performing" schools? In particular, how much better are these schools with respect to achievement, and are receiving schools burdened by concentrated poverty? Answers to these questions would provide empirical evidence to address the fundamental goal of NCLB's choice program—that is, to expand access and options for economically disadvantaged families. Achieving this goal depends on the work of district administrators, who must ultimately decide which students get to choose and the kinds of school choice options they have.

In many ways, the degree of success in implementing the federal choice statues hinges on the policies enacted by district administrators.

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